

EXPLANATORY MEMORANDUM TO

THE IRAN (SANCTIONS) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2016

2016 No. 560

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This Order amends the Iran (Sanctions) (Overseas Territories) Order 2016 (S.I. 2016/371) (“the principal Order”) to include additional enforcement powers in respect of ships, aircraft or vehicles suspected of being used in the commission of offences against the trade restrictions contained in the principal Order.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 Schedule 3 of the principal Order makes provision for the obtaining of evidence and information for enforcement purposes. This Order amends Schedule 3 to include additional enforcement powers which were inadvertently omitted from the principal Order. The Department regrets this omission and this Order will be issued free of charge to all known recipients of S.I. 2016/371.

Other matters of interest to the House of Commons

- 3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

- 4.1 This Order is made in exercise of statutory powers under the United Nations Act 1946, the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945, and the legislative power of the Royal Prerogative.
- 4.2 The statutory and prerogative powers to legislate for the Overseas Territories, to implement sanctions measures, are applicable to the Overseas Territories as follows:
 - (i) the United Nations Act 1946 applies to all Overseas Territories;
 - (ii) the Saint Helena Act 1833 applies to St Helena;
 - (iii) the British Settlements Acts 1887 and 1945 are applicable to Ascension and Tristan da Cunha, British Antarctic Territory, the Falkland Islands, Pitcairn (including Henderson, Ducie and Oeno Islands), and South Georgia and the South Sandwich islands);
 - (iv) the prerogative legislative power is applicable to Anguilla, British Indian Ocean Territory, Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

5. Extent and Territorial Application

- 5.1 This Order applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including Henderson, Ducie and Oeno Islands), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, the Turks and Caicos Islands and the Virgin Islands.

6. European Convention on Human Rights

- 6.1 As the instrument is not subject to parliamentary procedure, no statement is required.

7. Policy background

What is being done and why

- 7.1 The principal Order gives effect in specified Overseas Territories to the sanctions regime against Iran as provided for in United Nations Security Council resolution 2231 (2015) and the Joint Comprehensive Plan of Action annexed to that resolution. It also reflects the implementation of those sanctions by the European Union in Council Decision 2010/413/CFSP of 26 July 2010 (as amended) and Council Regulation (EU) No. 267/2012 of 23 March 2012 (as amended).
- 7.2 Schedule 3 to the principal Order contains provision for obtaining evidence and information for the purpose of enforcing the principal Order. This Order inserts additional powers into Schedule 3 in relation to ships, aircraft and vehicles suspected of being used in the commission of certain offences under the principal Order. These include powers to require a ship, aircraft or vehicle that is reasonably suspected of being used to carry restricted goods to remain in the Territory.

Consolidation

- 7.3 The Foreign and Commonwealth Office will keep the need for consolidation under review.

8. Consultation outcome

- 8.1 The Overseas Territories have been consulted on the Order in draft.

9. Guidance

- 9.1 No guidance will be issued.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies in the United Kingdom.
- 10.2 There is no impact on the public sector in the United Kingdom.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

12. Monitoring & review

- 12.1 As this Order makes a technical amendment to the principal Order, no specific monitoring or review is considered necessary. The principal Order will be reviewed and amended as appropriate following any modifications to the sanctions regime by the United Nations and European Union.

13. Contact

- 13.1 Louise Moreland at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 3124. Email: louise.moreland@fco.gov.uk